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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Argentina, Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Botswana, Brazil, Bulgaria,* Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Croatia,* Cyprus,* Czech Republic, Denmark,* Estonia, Finland,* France, Georgia,* Germany, Ghana,* Greece,* Guatemala,* Honduras,* Hungary,* Iceland,* Ireland, Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Maldives, Mexico, Montenegro, Morocco, Netherlands,* New Zealand,* Norway,* Panama,* Paraguay,* Peru, Poland,* Portugal,* Republic of Moldova,* Romania, San Marino,* Senegal,* Sierra Leone, Slovakia,* Slovenia,* Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Switzerland,* Tunisia,* Turkey,* United Kingdom of Great Britain and Northern Ireland, Uruguay*: draft resolution

25/... Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur

The Human Rights Council,

Reaffirming that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected and protected under all circumstances, including in times of international and internal armed conflict or internal disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law, and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

* Non-member State of the Human Rights Council.

Recognizing the importance of the work of the Special Rapporteur in the prevention and fight against torture and other cruel, inhuman or degrading treatment or punishment,

Appreciating the overall dedication of the Special Rapporteur in fulfilling the mandate,

Recalling Human Rights Councils resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also all relevant resolutions of the General Assembly, the Economic and Social Council, the Human Rights Council and the Commission on Human Rights,

1. *Decides* to extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

(*a*) To seek, receive, examine and act on information from Governments, intergovernmental and civil society organizations, individuals and groups of individuals regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading treatment or punishment;

(*b*) To conduct country visits with the consent or at the invitation of Governments and to enhance further dialogue with them, as well as to follow up on recommendations made in reports after visits to their countries;

(*c*) To study, in a comprehensive manner, trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;

(*d*) To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(*e*) To integrate a gender perspective and a victim-centered approach throughout the work of his or her mandate;

(*f*) To continue to cooperate with the Committee against Torture, the Subcommittee for the Prevention of Torture and relevant United Nations mechanisms and bodies and, as appropriate, regional organizations and mechanisms, national human rights institutions, national preventive mechanisms and civil society, including non-governmental organizations, as well as to contribute to the promotion of strengthened cooperation among the above-mentioned actors;

(*g*) To report on all of his or her activities, observations, conclusions and recommendations, to the Human Rights Council in accordance with its programme of work, and annually on overall trends and developments with regard to his or her mandate to the General Assembly, with a view to maximizing the benefits of the reporting process;

2. *Urges* States:

(*a*) To fully cooperate with and assist the Special Rapporteur in the performance of his or her task, to supply all necessary information requested by him or her and to fully and expeditiously respond to his or her urgent appeals, and urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(*b*) To respond favourably to the Special Rapporteur's requests to visit their countries, and to enter into a constructive dialogue with the Special Rapporteur on

requested visits to their countries, noting pending requests and concerns expressed by the Special Rapporteur regarding last-minute postponements;

(*c*) To ensure, as an important element in preventing and combating torture and other cruel, inhuman and degrading treatment or punishment, that no authority or official orders, applics, permits or tolerates any sanction, reprisal, intimidation or other prejudice against any person, group or association, including persons deprived of their liberty, for contacting, seeking to contact or having been in contact with the Special Rapporteur or any other international or national monitoring or preventive body active in the prevention and combat of torture and other cruel, inhuman or degrading treatment or punishment;

(*d*) To ensure proper follow-up to the recommendations and conclusions of the Special Rapporteur;

(*e*) To adopt a victim-centered and gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence that constitutes torture or other cruel, inhuman or degrading treatment or punishment;

(*f*) To ensure appropriate follow-up to conclusions, recommendations, requests for further information and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on the Prevention of Torture;

(*g*) To become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority, and to consider signing and ratifying the Optional Protocol thereto and to designating or establishing independent and effective national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in a timely manner;

(*h*) To consider providing adequate support to the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. *Takes note with appreciation* of the report of the Special Rapporteur;[1]

4. *Requests* the Secretary-General to ensure, from within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and the facilities and resources necessary for the Special Rapporteur, bearing in mind the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

5. *Decides* to continue to consider this matter in conformity with its annual programme of work.

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[1] A/HRC/25/60.